

REMARKS

This Amendment serves as a submission accompanying a Request for Continued Examination (RCE) being filed herewith.

Claims 6, 12, 17, and 23 were amended. No new matter has been added. Claims 6 to 27 now are pending. Applicants thank the Examiner for the comments provided in the Advisory Action. Applicants respectfully request reconsideration of the present application in view of this amendment.

In an earlier Office Action, claims 6 to 8, 10 to 14, 16 to 19, 21 to 25, and 27, were rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 3,635,552 to De Lang (“De Lang reference”).

The 1974 De Lang reference concerns using an arranged light source 1 which strikes a certain dividing mirror 3 and transmitting one half of the incident beam to the reference mirror 5 and reflecting the other half to an object 4 to be tested. The De Lang reference does not teach the tunable interferometer as claimed above. Instead, the De Lang physically moves parts of its system in order to provide tuning. For example, as recited by the De Lang reference, “The interferometer is adjusted so that a stripe pattern is produced in the image field 11. The stripe pattern is produced by turning the reference mirror 5 or the object 4 through a small angle. ... When the analyzer rotates about an axis parallel to the incident beam, the stripe patterns.... A similar result would be obtained if, instead of rotating the analyzer, the mirror 4 or 5 would be moved in the direction of the beams..... When the analyzer 46 is rotated about an axis transverse to the main direction....” See, e.g., col. 3, line 1, to col. 4, line 12. In contrast, claim 6 recites a tunable interferometer in which such physical rotation or displacing of system parts does not occur, thus providing further accuracy by the claimed system and method. The De Lang reference recognized the difficulties with physical movement of certain system parts, and recited a preference for rotating the analyzer over the moving of the mirrors in order to achieve a desired accuracy. See, e.g., col. 30-33. However, the De Lang reference, among other things, did not teach or disclose a system or method in which such physical movement does not take place in order to achieve a more accurate outcome. Claim 6 has been amended above to further clarify this feature which is supported by the Specification of record.

Accordingly, Applicants respectfully submit that amended claim 6, and thus its dependent claims 7, 8, 10, and 11, are allowable. Further, Applicants respectfully submit that the remaining amended independent claims 12, 17, and 23, and their dependent claims, recite analogous features, as well as provide additional features, to claim 6.

In an earlier Office Action, claims 9, 15, 20, and 26, were rejected under 35 U.S.C. §103(a) as being unpatentable over the De Lang reference in view of U.S. Patent No. 5,627,666 to Sharp et al. (“Sharp reference”).

Claims 9, 15, 20, and 26 each depend from one of independent claims 6, 12, 17, and 23, and are believed allowable over the De Lang reference for at least the same reasons as explained above. For purposes of the present invention, the Sharp reference does not cure the deficiencies of the De Lang reference. The Sharp reference appears to concern a liquid crystal phase modulator using cholesteric circular polarizers, where a phase modulator has an electro-optically rotatable smectic liquid crystal half-wave retarder in combination with a cholesteric liquid crystal circular polarizer. The Sharp reference, among other things, does not teach or suggest a system or method in which certain physical movement of system parts does not take place in order to achieve a more accurate outcome.

Accordingly, Applicants respectfully submit that the De Lang and Sharp references, together or alone, do not teach or suggest the invention of claims 9, 15, 20, and 26. Applicant respectfully request that the claims are found allowable over the De Lang and Sharp references. Withdrawal of the rejection of claims 9, 15, 20, and 26, under 35 U.S.C. §103(a) over the De Lang reference in view of the Sharp reference is respectfully requested.

It is respectfully submitted that pending claims 6 to 27 are allowable and any outstanding rejections should be withdrawn.

CONCLUSION

In view of all of the above, it is respectfully submitted that all claims 6 to 27, as amended above, are presently allowable. It is therefore respectfully requested that the rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,

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